

**REMARKS**

In the Office Action,<sup>1</sup> the Examiner rejected claims 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, and 25-37 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,177,932 to Galdes et al. ("*Galdes*"); and rejected claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 under 35 U.S.C. §103(a) as being unpatentable over *Galdes* in view of U.S. Patent 5,594,791 to Szlam et al. ("*Szlam*").

By this Amendment, Applicant amends claims 1-34, 36, and 37, and cancels claim 35. Claims 1-34, 36, and 37 remain pending in this application.

Applicant respectfully traverses the rejection of claims 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, and 25-37 under 35 U.S.C. § 102(e) as being anticipated by *Galdes*. In order to properly establish that *Galdes* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that *Galdes* fails to teach or suggest each and every element of Applicant's claimed invention.

Independent claim 1 calls for a combination including, for example, "determining a counselor based on the identification code . . . wherein the identification code includes

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement of characterization in the Office Action.

a query-contents identification corresponding to the query or corresponding to the click information to determine at least one proper counselor from a plurality of counselors.”

*Galdes* fails to disclose at least this claim element.

The Examiner relies on col. 4, lines 54-64 and col. 3, lines 30-35 of *Galdes* as a teaching of the above-quoted claim element. See Office Action, p. 3. The cited portions of *Galdes* disclose “the customer indicates that he or she needs help” (col. 4, lines 41-42) and “[i]n response to receiving a help request, a case is opened” (col. 4, lines 56-57). *Galdes* further discloses “[t]he collaboration unit 300 . . . permits the advisor to respond to customer help requests” (col. 3, lines 9-11), and “[t]he workflow controller 325 controls what cases are routed to each advisor” (col. 3, lines 31-32). However, these and other portions of *Galdes* fail to disclose any “identification code includ[ing] a query contents identification corresponding to the query or corresponding to the click information to determine at least one proper counselor from a plurality of counselors,” as recited in claim 1.

Furthermore, *Galdes* discloses that multiple advisors may respond to a help request from a client. See *Galdes*, col. 10, claim 1. And, in one embodiment of *Galdes*, “help requests are allocated to advisors on a time basis, i.e., the advisor that is not busy will receive the next help request.” *Galdes*, col. 8, lines 53-55. Therefore, *Galdes* fails to disclose “determining a counselor based on the identification code,” as recited in claim 1.

For at least the reasons given above, *Galdes* fails to anticipate claim 1. Furthermore, independent claims 9, 17, 25-31, and 34, although different in scope from claim 1, are allowable over *Galdes* for at least reasons similar to those given above for

claim 1. In addition, dependent claims 3, 5, 7, 11, 13, 15, 19, 21, 23, 32, 33, 36, and 37 are allowable over *Galdes* at least by virtue of their dependence from allowable base claims 1, 9, 17, 31, and 34. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, and 25-37 under 35 U.S.C. §102(e) as being anticipated by *Galdes*.

Applicant respectfully traverses the rejection of claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 under 35 U.S.C. §103(a) as being unpatentable over *Galdes* in view of *Szlam*. A *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness, the prior art (taken separately or in combination) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

A *prima facie* case of obviousness has not been established because, among other things, the prior art, taken alone or in combination, fails to teach or suggest each and every element of Applicant's claims.

As discussed above, *Galdes* fails to teach or suggest each and every element of independent claims 1, 9, and 17. Even assuming the Examiner's characterization of *Szlam* is correct, which Applicant does not concede, *Szlam* fails to cure the above-noted deficiencies of *Galdes*. Therefore, *Galdes* and *Szlam*, taken separately or in combination, fail to teach or suggest each and every element of independent claims

1, 9, and 17, which are required by dependent claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24. Therefore, a *prima facie* case of obviousness has not been established with respect to claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Galdes* in view of *Szlam*.

Moreover, Applicant notes that the claimed invention may allow the best matched counselor to be determined by automatically generating an "identification code" in accordance with a query provided earlier by a user, if the user, visiting a shopping site or a contents site, requests an interactive counseling service. The query may include at least one of the query for purchasing goods, the query for counseling, and the query for search. The identification code includes a unique number of a unit level, in which the query is included, thereby allowing the best matched counselor to be determined.

A brief description of how the claimed invention may benefit from generating and using the identification code is as follows:

First, with the claimed invention, small sites and open-market sellers can utilize a "counseling service site" in a profit-sharing method, enabling a 24-hour customer service with a low cost. Referring to the description of the claimed invention, a user can attempt to make an electronic transaction by directly accessing an e-commerce business related to a query during the counseling session in a counseling space, and anyone running a small-scale shopping mall or a small-scale information providing site may easily manage a counseling corner. Specifically, the claimed "identification code" is sent to a counseling system, while the "identification code" includes information which

may be needed to extract the basic counseling information from the counseling system and determine a counselor. The identification code can also include information, such as a counselor ID, a site address to which the counselor belongs, a site address which requested the counseling, for profit distribution resulting from the counseling service. The claimed invention, therefore, may accommodate a plurality of counseling service providers or a counseling service provider that is different from the shopping mall administrator, because the counseling service provider may be identified by the "identification code."

In addition, the claimed invention may minimize the number of high-cost personnel by arranging the counselors, such as part-time counselors, specialists, and multi-lingual counselors, in different levels. Professional counseling may be described with reference to, for example, Applicant's Figs. 9 to 11. As illustrated therein, the counselor may seek assistance when the counselor receives a query that he is not able to answer. In this case, key information on the counseling may be transmitted to a specialist, to whom the same counseling space is provided. In an embodiment consistent with the claimed invention, the entire content of the query, to which the counselor was not able to answer, may be displayed to the specialist. It is also possible to have the presence of the specialist either known or unknown. As such, the counselor may page the specialist in the same manner as the customer requesting the counselor.

*Galdes* (US 6,177,932), on the other hand, alerts all available counselors when the client transmits a query requests (i.e., the client clicks a query button on a web page), and a voice link is made between the client and a counselor who answered the query.

In comparison, consistent with Applicant's claimed invention, the basic counseling information may include at least one of a webpage accessed by the user just before clicking on the counseling link, a record of the user's activity after linking to a service-providing server, and general examples of counseling related to the webpage, for example. The best matched counselor selected in accordance with the identification code may refer to the basic counseling information to identify on which information the user wants the counseling, thereby allowing the best matched counseling to be provided.

*Galdes*, however, merely provides the customer's data or the customer history, making it impossible to provide the best matched counseling because it is not possible to identify what kind of counseling the customer wants.

In addition, the claimed "identification code" may include language information, that is, the information on the language with which the page of the clicked counseling link is created, making it possible to assign the best matched counselor. Furthermore, the "identification code" may also include counseling system information, allowing the user to access a system, to which the best possible counselor belongs, even if there are a plurality of counseling systems. *Galdes* provides no teaching of at least Applicant's claimed "identification code."

### **Conclusion**

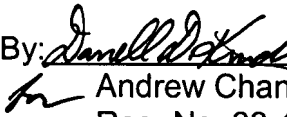

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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